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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 BANGALLY FATTY,

9 Petitioner,

10 v.

11 ELAINE DUKE, et al.,

12 Respondents.

CASE NO. C17-1535-MJP-BAT

**ORDER DIRECTING
SUPPLEMENTAL BRIEFING AND
GRANTING UNOPPOSED MOTION
TO SUPPLEMENT THE RECORD**

13 Having considered the pending motions and the balance of the record, the Court

14 **ORDERS:**

15 (1) The Government's motion to dismiss argues the Court does not have jurisdiction
16 to consider Mr. Fatty's claim that he has a due process right to adjudication of his pending T visa
17 application, and that even if the Court does have jurisdiction, Mr. Fatty has not been denied a
18 meaningful opportunity to be heard. The parties' briefing, however, does not address the
19 threshold requirement of a due process claim: a protected liberty or property interest. *See Ching*
20 *v. Mayorkas*, 725 F.3d 1149, 1155 (9th Cir. 2013). By **March 9, 2018**, the Government shall file
21 a supplemental brief that addresses whether Mr. Fatty has asserted a protected liberty or property
22 interest. By **March 16, 2018**, Mr. Fatty shall file a supplemental response. The Government
23 may file a supplemental reply by **March 23, 2018**.

ORDER DIRECTING SUPPLEMENTAL
BRIEFING AND GRANTING UNOPPOSED
MOTION TO SUPPLEMENT THE RECORD -

1 (2) Mr. Fatty's motion to supplement the administrative record, which is unopposed,
2 is **GRANTED**. Dkt. 20.

3 (3) The Clerk is directed to **RE-NOTE** the Government's motion to dismiss, Dkt. 14,
4 for March 23, 2018.

5 DATED this 23rd day of February, 2018.

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8 BRIAN A. TSUCHIDA
United States Magistrate Judge